

NEW HAMPSHIRE LAW LIBRARY

August 31, 1953

SEP 03 1998

CONCORD, N.H.

Honorable Hugh Gregg  
Governor of New Hampshire  
Concord, New Hampshire

Dear Governor Gregg:

You have inquired concerning your authority to veto an item in a bill and sign the rest of the bill. You are respectfully advised that it is my opinion that this is not permitted under the Constitution of New Hampshire, Part II, Article 44, which reads in part as follows:

"Every bill which shall have passed both houses of the general court, shall, before it becomes a law, be presented to the governor, if he approve, he shall sign it, but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it; . . ."

This has been construed by the Supreme Court to mean that the Governor must approve a bill or disapprove it as a whole. As stated in Opinion of the Justices, 76 N.H. 601, 606, the Governor "is compelled under the constitution to approve or disapprove the bill as a whole."

Thus, to change the Constitution to permit an item veto, a constitutional amendment would be required, which would be a matter for consideration by the Constitutional Convention which I believe will be in session in 1955.

Respectfully,

Louis C. Wyman  
Attorney General

W/d